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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

OREGON NATURAL DESERT ASS’N,

Case No. CV-09-369-PK

Plaintiff,

v.

MOTION FOR RECONSIDERATION

KENNY MCDANIEL, Burns District
Manager, BLM, *et al.*,

Defendants.

Pursuant to Federal Rules of Civil Procedure 60(a), 60(b)(1), and/or 60(b)(6), plaintiff Oregon Natural Desert Association (“ONDA”) respectfully requests that this Court reconsider its April 28, 2011 decision (Dkt # 103) granting summary judgment in ONDA’s favor in the above-captioned action, and revise it in one respect on the issue of remedy, as described below and in

accompanying documents filed in support of this motion. Pursuant to Local Rule 7-1(a)(1), the undersigned hereby certifies that counsel for ONDA has made a good faith effort to resolve the dispute between the parties, but the parties were unable to resolve the dispute.

ONDA respectfully requests that the Court amend its April 28, 2011 Opinion and Order by clarifying that its order vacating defendants' final decision approving the Steens Mountain Travel Management Plan, issued by the Department of the Interior through its Board of Land Appeals' ("IBLA") on February 19, 2009, also includes vacatur of the Bureau of Land Management's Decision Record, Finding of No Significant Impact, Travel Management Plan and Environmental Assessment approved and affirmed by the IBLA decision. As ONDA explains in more detail in the accompanying memorandum of law, the IBLA decision represents the final decision of the Secretary of the Interior approving the Steens Mountain TMP and therefore subsumes the BLM findings and decision, which must also be vacated in order to effectuate this Court's holdings that Interior violated the Steens Act, FLPMA, the Wilderness Act, and NEPA.

In support of this motion, ONDA respectfully refers the Court to the Consolidated Memorandum in Support of Plaintiff's Motions for Reconsideration and Permanent Injunction and the points and authorities cited therein.

DATED this 6th day of June 2011.

Respectfully Submitted,

s/ Peter M. Lacy

Peter M. Lacy ("Mac")
Oregon Natural Desert Association

Of Attorneys for Plaintiff